

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PLASTIC OMNIUM AUTO  
ENERGY (USA) LLC,

Plaintiff,  
v.  
Case No. 20-cv-10720  
Hon. Matthew F. Leitman

DELPHI SISTEMAS DE  
ENERGIA SA,

Defendant.

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**ORDER (1) DENYING PLAINTIFF'S EMERGENCY MOTION FOR A  
TEMPORARY RESTRAINING ORDER AND PRELIMINARY  
INJUNCTION (ECF No. 3); (2) SETTING EXPEDITED BRIEFING  
SCHEDULE FOR SUMMARY JUDGMENT MOTION; AND (3)  
ALLOWING LIMITED DISCOVERY**

On March 18, 2020, Plaintiff Plastic Omnium Auto Inergy (USA) LLC (“Plastic Omnium”) filed an emergency motion for a temporary restraining order and preliminary injunction in this breach-of-contract action. (*See* Mot., ECF No. 3.) Defendant Delphi Sistemas de Energia SA (“Delphi”) filed a response to the motion on March 20, 2020, and Plastic Omnium filed a supplemental brief that same day. (*See* Resp. to Mot., ECF No. 12; Supp. Br., ECF No. 13.) The Court held a hearing on the motion on March 20, 2020.

For the reasons stated on-the-record during the hearing, Plastic Omnium’s motion for emergency relief is **DENIED**. However, the Court authorizes Plastic

Omnium to file a motion for summary judgment which the Court will consider on an expedited basis. The briefing schedule for that motion shall be as follows:

- Plastic Omnium shall file its motion by no later than **March 25, 2020**;
- Delphi shall file a response brief by no later than **April 6, 2020**;
- Plastic Omnium may file a reply brief by no later than **April 10, 2020**.

In addition, the Court authorizes Delphi to send an interrogatory to Plastic Omnium asking only whether Plastic Omnium has been paid by Chrysler/FCA for the expedited shipping fees that are the subject of this action. Plastic Omnium shall respond to that request by no later than **April 3, 2020**. If Plastic Omnium and Chrysler/FCA reach any agreement, in whole or in part, regarding the payment of the expedited shipping fees that are the subject of this action, Plastic Omnium shall inform Delphi and the Court immediately.

**IT IS SO ORDERED.**

Dated: March 20, 2020

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 20, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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